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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 DEE V. TOWLES,

10 Petitioner,

11 vs.

12 WARDEN BACA, et al.,

13 Respondents.  
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Case No. 3:13-cv-00576-RCJ-WGC

**ORDER**

15 The court denied petitioner's application to proceed in forma pauperis and directed petitioner  
16 to pay the filing fee of \$5.00. Order (#3). Petitioner responded with a letter (#4) stating that he has  
17 submitted the paperwork to the prison officials for payment. More than two months have passed  
18 since the court has received the letter, and the court has received neither the filing fee nor any  
19 explanation why petitioner is unable to pay the filing fee. The court will dismiss the action. The  
20 court makes no comment whether a subsequently filed action will be timely.

21 Reasonable jurists would not find the court's conclusion to be debatable or wrong, and the  
22 court will not issue a certificate of appealability.

23 IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice for  
24 petitioner's failure to pay the filing fee.

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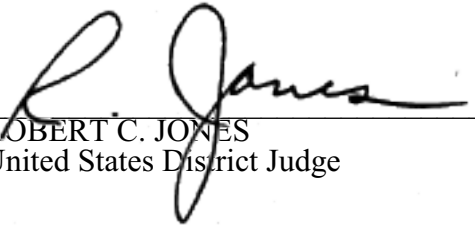
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IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

Dated: This 17<sup>th</sup> day of January, 2014.

  
ROBERT C. JONES  
United States District Judge